

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LESLIE DICK WORLDWIDE, LTD and
LESLIE DICK,

Plaintiffs,

- against -

MACLOWE PROPERTIES INC., FIFTH AVENUE
58/59 ACQUISITION CO., L.P., HARRY
MACLOWE, EASTDIL REALTY COMPANY, LLC,
BENJAMIN V. LAMBERT, WAYNE L. MAGGIN,
GEORGE SOROS, SOROS FUND MANAGEMENT
LLC, CONSECO, INC., CARMEL FIFTH LLC, 767
INTERMEDIATE, LLC, 767 FIFTH AVENUE, LLC
and CHUCK CRBMENS,

Defendants.

Index No. 06/600222

NOTICE OF ENTRY

Assigned to
Justice Moskowitz

Commercial Division Part 3

PLEASE TAKE NOTICE that attached are true copies of: (a) an order of the Supreme Court of the State of New York, County of New York, dated November 29, 2006, that was duly entered in the office of the Clerk of the Court on December 5, 2006; and (b) a judgment dated December 20, 2006, that was duly entered in the office of the Clerk of the Court on December 20, 2006.

Dated: New York, New York
December 20, 2006

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

By: Douglas H. Flaum
Douglas H. Flaum

One New York Plaza
New York, New York 10004-1980
(212) 859-8000

Attorneys for Defendants
Macklowe Properties Inc., Fifth Avenue
58/59 Acquisition Co. L.P. and Harry
Macklowe

TO: Kenneth F. McCallion
McCallion & Associates LLP
24 West 40th Street
New York, New York 10018

Attorneys for Plaintiffs

542713

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LESLIE DICK WORLDWIDE, LTD and LESLIE
DICK,

Plaintiffs,

- against -

MACKLOWE PROPERTIES INC., FIFTH AVENUE
58/59 ACQUISITION CO., L.P., HARRY
MACKLOWE, EASTDIL REALTY COMPANY, LLC,
BENJAMIN V. LAMBERT, WAYNE L. MAGGIN,
GEORGE SOROS, SOROS FUND MANAGEMENT
LLC, CONSECO, INC., CARMEL FIFTH LLC, 767
INTERMEDIATE, LLC, 767 FIFTH AVENUE, LLC
and CHUCK CREMENS,

Defendants.

Index No. 600222/06

JUDGMENT

Assigned to
Justice Moskowitz

Commercial Division Part 3

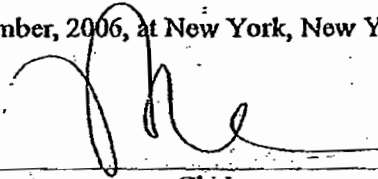
Macklowe Properties Inc., Fifth Avenue 58/59 Acquisition Co. L.P. and Harry Macklowe (collectively, the "Macklowe Defendants") and Consecro, Inc, Carmel Fifth, LLC, 767 Intermediate LLC, 767 Fifth Avenue, LLC and Chuck Cremens (collectively, the "Consecro Defendants") and Eastdil Realty Company, LLC, ~~currently known as Eastdil Realty Company, LLC~~ Benjamin V. Lambert and Wayne L. Maggin (collectively, the "Eastdil Defendants") each having made a motion to dismiss plaintiffs' amended complaint in this action with prejudice pursuant to CPLR 3211, and such motions having come on for hearing before the Honorable Justice Karla Moskowitz, in Commercial Division Part 3 of the Supreme Court, at 60 Centre Street, in the Borough of Manhattan, City and State of New York, and the plaintiffs having appeared by their attorneys McCallion & Associates LLP, and the Macklowe, Consecro and Eastdil Defendants having appeared by their respective attorneys, Fried, Frank, Harris, Shriver &

Jacobson LLP, Kirkland & Ellis, LLP, and Golenbock, Eiseman, Assor, Bell & Peskoe, LLP, and the Court, after due deliberation, by decision and order in writing dated November 29, 2006 and entered December 5, 2006, having granted the motions of the Macklowe, Consecro and Eastdil, Defendants to dismiss the amended complaint as against those defendants, and ordered that judgment be entered against the plaintiffs in favor of the Macklowe, Consecro and Eastdil Defendants, and that any claims against the remaining defendants be severed and continued, and directed the Clerk enter judgment accordingly,

Now, on motion of Fried, Frank, Harris, Shriver & Jacobson LLP, attorneys for the Macklowe Defendants, it is

ADJUDGED ~~that the plaintiffs' amended complaint is~~ dismissed as to defendants Macklowe Properties Inc., Fifth Avenue 58/59 Acquisition Co., L.P., Harry Macklowe, Consecro Inc., Carmel Fifth, LLC, 767 Intermediate, LLC, 767 Fifth Avenue, LLC, Chuck Cremens, Eastdil Realty Company, LLC, Benjamin V. Lambert, and Wayne L. Maggin.

Judgment signed this 20th day of December, 2006, at New York, New York.


Clerk

NY02/541878v3

FILED

DEC 20 2006

COUNTY CLERK'S OFFICE
NEW YORK

LESLIE DICK WORLDWIDE, LTD and LESLIE
DICK,

Plaintiffs,

- against -

Index No. 600222/06

MACKLOWE PROPERTIES INC., FIFTH
AVENUE 58/59 ACQUISITION CO., L.P., HARRY
MACKLOWE, EASTDIL REALTY COMPANY,
LLC, BENJAMIN V. LAMBERT, WAYNE L.
MAGGIN, GEORGE SOROS, SOROS FUND
MANAGEMENT LLC, CONSECO, INC.,
CARMEL FIFTH LLC, 767 INTERMEDIATE,
LLC, 767 FIFTH AVENUE, LLC and CHUCK
CREMENS,

Defendant.

FILED
FILED AND
DOCKETED

AT DEC 20 2006 M
N.Y., CO. CLK'S OFFICE
N.Y., CO. CLK'S OFFICE

JUDGMENT

FILED

DEC 20 2006
AT 3:32 P.M.
N.Y., CO. CLK'S OFFICE

Douglas H. Flaum

Douglas H. Flaum

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

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LESLIE DICK WORLDWIDE LTD and LESLIE DICK